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ATTENTION OF John Kim

Mail Stop RCE

TELEPHONE NUMBER 703.308.2350

FROM Mark S. Leonardo

DIRECT DIAL 617.856.8145

C/M/A # 20518/6/2089

MESSAGE Attached herewith is a Request for Continued Examination in connection with U.S. Application No. 09/803,570. Also attached is a courtesy copy of the amendment filed August 28, 2003. If you have any questions, please do not hesitate to contact us. Thank you.

#### CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being facsimile transmitted to: 1-703-872-9306, Attn: John Kim, Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

By Michelle A. Phinney  
Michelle A. Phinney

September 30, 2003  
Date

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# **REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL**

Address to:  
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Alexandria, VA 22313-1450

Application Number	09/803,570
Filing Date	March 9, 2001
First Named Inventor	William R. Fiehler
Art Unit	1723
Examiner Name	Kim, Sun U.
Attorney Docket Number	20518/6-CON (\$-8165-CON)

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

## 1. **Submission required under 37 CFR 1.114**

Note: If the RCE is proper, any previously filed unentered and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such

- a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

ii. ☐ Other \_\_\_\_\_

- b. ☐ Enclosed

i. ☐ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/Declaration(s)

iv. ☐ Other \_\_\_\_\_

## 2. **Miscellaneous**

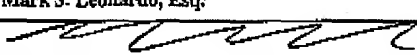
- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(l) required)
- b. ☐ Other \_\_\_\_\_

## 3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-0369
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

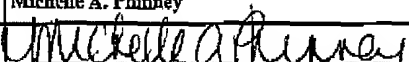
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## **SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

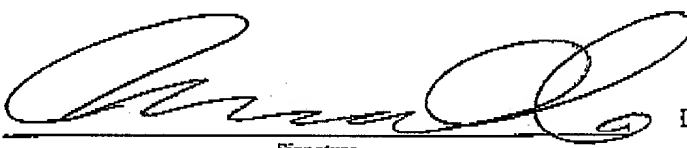

Name (Print / Type)	Mark S. Leonardo, Esq.	Registration No. (Attorney / Agent)	41,433
Signature		Date	September 30, 2003

## **CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print / Type)	Michelle A. Phinney
Signature	
Date	September 30, 2003

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

<b>AMENDMENT TRANSMITTAL LETTER (Large Entity)</b>			Docket No. <b>20518/6-CON-RCE</b>		
Applicant(s): <b>William R. Fiehler</b>					
Serial No. <b>09/803,570</b>	Filing Date <b>March 9, 2001</b>	Examiner <b>Kim, Sun U.</b>		Group Art Unit <b>1723</b>	
Invention: <b>A Method and Apparatus for Dispensing Separator Gel in a Blood Collection Tube</b>					
<u>TO THE COMMISSIONER FOR PATENTS:</u>					
Transmitted herewith is an amendment in the above-identified application.					
The fee has been calculated and is transmitted as shown below.					
<b>CLAIMS AS AMENDED</b>					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	27 -	30 =	0 x	\$18.00	\$0.00
INDEP. CLAIMS	5 -	5 =	0 x	\$84.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b>					<b>\$0.00</b>
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. <b>50-0369</b> <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.					
 Signature					
Dated: <b>August 28, 2003</b>					
<b>Mark S. Leonardo, Esq. (Reg. No. 41,433)</b> <b>Attorney for Applicant(s)</b> <b>Brown Rudnick Berlack Israels LLP</b> <b>One Financial Center</b> <b>Boston, MA 02111</b> <b>Phone (617) 856-8145</b> <b>Fax (617) 856-8201</b> <b>Customer No. 21710</b>					
<div style="border: 1px solid black; padding: 5px;"> <p>I certify that this document and fee is being deposited            August 28, 2003 with the U.S. Postal Service as            first class mail under 37 C.F.R. 1.8 and is addressed to the            Commissioner for Patents, P.O. Box 1450, Alexandria, VA            22313-1450.</p> <p style="text-align: center;">               Signature of Person Mailing Correspondence           </p> <p style="text-align: center;"> <b>Michelle Phinney</b>              Typed or Printed Name of Person Mailing Correspondence           </p> </div>					
cc:					